

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Certain Patent Petitions Requiring a Fee
OMB Control Number 0651-0059
(February 25, 2014)

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update the current inventory estimates for information collection 0651-0059 Certain Patent Petitions Requiring a Fee. The fees in 0651-0059 were moved into collection 0651-0072 America Invents Act Section 10 Patent Fee Adjustments (approved by OMB in January 2013). This request is to remove these fees from collection 0651-0059 to avoid double-counting.

This request is only to remove the affected fees from the annual (non-hour) cost burden; no other information would be adjusted. The items and other burden information would remain in 0651-0059. The table below details the fees that have been moved to 0651-0072 and are to be removed from 0651-0059:

Fees for Respondents – Annual (Non-hour) Cost Burden

| Fee Code | Item | Responses (a) | Fee or Surcharge (b) | Total Non-hour Cost Burden (c) (a) x (b) |
|-----------------|--|----------------------|-----------------------------|---|
| 1462 | Petitions (corresponding to the fee) Under 37 CFR 1.17(f) include: <ul style="list-style-type: none"> • Petition to Accord a Filing Date Under 1.57(a) • Petition to Accord a Filing Date Under 1.53(e) • Petition for a Decision on a Question Not Specifically Provided for • Petition to Suspend the Rules | 400 | \$400.00 | \$160,000.00 |
| 1462 | EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(f) | 3,200 | \$400.00 | \$1,280,000.00 |
| 1463 | Petitions (corresponding to the fee) Under 37 CFR 1.17(g) include: <ul style="list-style-type: none"> • Petition to Access an Assignment Record • Petition to Access an Application • Petition for Expungement and Return of Information • Petition to Suspend Action in an Application | 400 | \$200.00 | \$80,000.00 |
| 1463 | EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(g) | 3,500 | \$200.00 | \$700,000.00 |
| 1464 | Petitions (corresponding to the fee) Under 37 CFR 1.17(h) include: <ul style="list-style-type: none"> • Petition for Accepting Color Drawings or Photographs • Petition for Entry of a Model or Exhibit • Petition to Withdraw an Application from Issue (PTO/SB/140) • Petition to Defer Issuance of a Patent | 1,100 | \$130.00 | \$143,000.00 |
| 1464 | EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(h) | 10,300 | \$130.00 | \$1,339,000.00 |

| | | | | |
|------|--|---------------|--------------|-----------------------|
| 1464 | Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19 | 5 | \$130.00 | \$650.00 |
| 1464 | EFS-Web Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19 | 50 | \$130.00 | \$6,500.00 |
| 1464 | Petitions to Make Special Under Accelerated Examination Program (EFS-Web only)(PTO/SB/28) | 550 | \$130.00 | \$71,500.00 |
| 1464 | Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c) (PTO/SB/24a) | 50 | \$130.00 | \$6,500.00 |
| 1464 | EFS-Web Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c) | 500 | \$130.00 | \$65,000.00 |
| 1463 | Petition for Extension of Time Under 37 CFR 1.136(b) (PTO/SB/23) | 6 | \$200.00 | \$1,200.00 |
| 1463 | EFS-Web Petition for Extension of Time Under 37 CFR 1.136(b) | 54 | \$200.00 | \$10,800.00 |
| N/A | Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal (PTO/SB/17) | 1,900 | None | \$0.00 |
| N/A | EFS-Web Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal | 17,000 | None | \$0.00 |
| | Totals | 39,015 | | \$3,864,150.00 |

Summary of Changes

Removal of \$3,864,150 in fees from 0651-0059 that are currently accounted for in 0651-0072.

Changes in Burden

| Burden Type | Currently Approved | Proposed Change | New Estimates |
|-------------------------------|--------------------|-----------------|---------------|
| Responses | 39,015 | 0 | 39,015 |
| Hours | 41,907 | 0 | 41,907 |
| Postage | \$11,275 | 0 | \$11,275 |
| Fees | \$3,864,150 | (\$3,864,150) | \$0 |
| Total Annual (Non-hour) Costs | \$3,875,425 | (\$3,864,150) | \$11,275 |

Removing these fees from 0651-0059 (currently accounted for in 0651-0072) will reduce the annual (non-hour) cost estimates originally reported for the renewal.

Consequently, this collection takes a net burden reduction of \$3,864,150 in annual (non-hour) costs as a program change.

The 0651-0059 revised total burden is as follows:

- 39,015 responses (no change)
- 41,907 burden hours (no change)
- \$11,275 in annual (non-hour) costs